

3. That the amount in controversy exceeds the sum or value of \$75,000.00, exclusive of costs interest and costs.

4. That jurisdiction of this Court is proper under 28 U.S.C. §1332, diversity of citizenship.

5. That this action properly lies in this district pursuant to 28 U.S.C.A. § 1391, because the claim arose in this judicial district.

6. That on October 27, 2015, the Plaintiff, Steve Winkeler, was operating a motor vehicle traveling Eastbound on Interstate 270 in Franklin County, Missouri.

7. That on October 27, 2015, the Defendant, Koleaseco, by and through its agent and employee was operating a motor vehicle traveling Eastbound on Interstate 270 in Franklin County, Missouri.

8. That at said time and place, the vehicle operated by the Defendant, Koleaseco, by and through its agent and employee, struck the rear of the Plaintiff's vehicle.

9. At said time and place, the Defendant, Koleaseco, by and through its agent and employee, committed one or more of the following acts of negligence and/or omissions which directly and proximately caused the collision to occur:

- a. The Defendant failed to keep a proper lookout for other vehicles then and there rightfully upon said roadway and particularly the vehicle of the Plaintiff;
- b. The Defendant drove his vehicle in such a manner as to cause it to strike the side of the Plaintiff's vehicle;
- c. The Defendant failed to properly apply the brakes of its vehicle;
- d. The Defendant operated its vehicle at an excessive rate of speed which was greater than was reasonable and proper having regard for the traffic then and there upon said highway;

10. As a direct and proximate result of one or more of the foregoing acts of negligence and/or omissions of the Defendant, Koleaseco, by and through its agent and employee, the Plaintiff was injured in one or more of the following ways:

- a. The Plaintiff was made sick, sore, lame, disordered and disabled and suffered extensive injuries to his head, body, and limbs, both internally and externally;
- b. The Plaintiff received injuries to his back;
- c. The Plaintiff received injuries to his rib cage;
- d. The Plaintiff received injuries to the soft tissues of the cervical and shoulder area, including the muscles, ligaments, tendons and nerves;
- e. The Plaintiff has expended money for necessary medical care, treatment and services and will be required to expend money for medical care, treatment and services in the future;
- f. The Plaintiff has suffered disability as a result of his injuries;
- g. The Plaintiff has experienced pain and suffering and will be reasonably certain to experience pain and suffering in the future as a result of the injuries; and
- h. The Plaintiff has lost money from the loss of wages and will suffer an impairment of future earning capacity.

WHEREFORE, the Plaintiff, Steve Winkeler, prays judgment against the Defendant, Koleaseco Leasing, LLC, a corporation, for a fair and just award in excess of Seventy-five Thousand Dollars (\$75,000.00) plus costs of this suit.

COUNT II

(Comparative Negligence)

Steve Winkeler v. Koleaseco Logistics, Inc., a corporation

Now comes the Plaintiff, Steve Winkeler, by and through his attorneys, Rich, Rich & Cooksey, P.C., and for her cause of action against the Defendant, Koleaseco Logistics, Inc., a

corporation, (herinafter referred to as Koleaseco), respectfully represents unto the Court as follows:

1. That the Plaintiff, Steve Winkeler, is a citizen of Clinton County, Illinois.
2. That the Defendant, Koleaseco, is a corporation with its main place of business in Hudsonville, Michigan.
3. That the amount in controversy exceeds the sum or value of \$75,000.00, exclusive of costs interest and costs.
4. That jurisdiction of this Court is proper under 28 U.S.C. §1332, diversity of citizenship.
5. That this action properly lies in this district pursuant to 28 U.S.C.A. § 1391, because the claim arose in this judicial district.
6. That on October 27, 2015, the Plaintiff, Steve Winkeler, was operating a motor vehicle traveling Eastbound on Interstate 270 in Franklin County, Missouri.
7. That on October 27, 2015, the Defendant, Koleaseco, by and through its agent and employee was operating a motor vehicle traveling Eastbound on Interstate 270 in Franklin County, Missouri.
8. That at said time and place, the vehicle operated by the Defendant, Koleaseco, by and through its agent and employee, struck the rear of the Plaintiff's vehicle.
9. At said time and place, the Defendant, Koleaseco, by and through its agent and employee, committed one or more of the following acts of negligence and/or omissions which directly and proximately caused the collision to occur:
 - a. The Defendant failed to keep a proper lookout for other vehicles then and there rightfully upon said roadway and particularly the vehicle of the Plaintiff;

- b. The Defendant drove his vehicle in such a manner as to cause it to strike the side of the Plaintiff's vehicle;
- c. The Defendant failed to properly apply the brakes of its vehicle;
- d. The Defendant operated its vehicle at an excessive rate of speed which was greater than was reasonable and proper having regard for the traffic then and there upon said highway;

10. As a direct and proximate result of one or more of the foregoing acts of negligence and/or omissions of the Defendant, Koleaseco, by and through its agent and employee, the Plaintiff was injured in one or more of the following ways:

- a. The Plaintiff was made sick, sore, lame, disordered and disabled and suffered extensive injuries to his head, body, and limbs, both internally and externally;
- b. The Plaintiff received injuries to his back;
- c. The Plaintiff received injuries to his rib cage;
- d. The Plaintiff received injuries to the soft tissues of the cervical and shoulder area, including the muscles, ligaments, tendons and nerves;
- e. The Plaintiff has expended money for necessary medical care, treatment and services and will be required to expend money for medical care, treatment and services in the future;
- f. The Plaintiff has suffered disability as a result of his injuries;
- g. The Plaintiff has experienced pain and suffering and will be reasonably certain to experience pain and suffering in the future as a result of the injuries; and
- h. The Plaintiff has lost money from the loss of wages and will suffer an impairment of future earning capacity.

WHEREFORE, the Plaintiff, Steve Winkeler, prays judgment against the Defendant, Koleaseco Logistics, Inc., a corporation, for a fair and just award in excess of Seventy-five Thousand Dollars (\$75,000.00) plus costs of this suit.

COUNT III

(Comparative Negligence)

Steve Winkeler v. Koleaseco Inc., a corporation

Now comes the Plaintiff, Steve Winkeler, by and through his attorneys, Rich, Rich & Cooksey, P.C., and for her cause of action against the Defendant, Koleaseco Inc., a corporation, (hereinafter referred to as Koleaseco), respectfully represents unto the Court as follows:

1. That the Plaintiff, Steve Winkeler, is a citizen of Clinton County, Illinois.
2. That the Defendant, Koleaseco, is a corporation with its main place of business in Grand Rapids, Michigan.
3. That the amount in controversy exceeds the sum or value of \$75,000.00, exclusive of costs interest and costs.
4. That jurisdiction of this Court is proper under 28 U.S.C. §1332, diversity of citizenship.
5. That this action properly lies in this district pursuant to 28 U.S.C.A. § 1391, because the claim arose in this judicial district.
6. That on October 27, 2015, the Plaintiff, Steve Winkeler, was operating a motor vehicle traveling Eastbound on Interstate 270 in Franklin County, Missouri.
7. That on October 27, 2015, the Defendant, Koleaseco, by and through its agent and employee was operating a motor vehicle traveling Eastbound on Interstate 270 in Franklin County, Missouri.
8. That at said time and place, the vehicle operated by the Defendant, Koleaseco, by and through its agent and employee, struck the rear of the Plaintiff's vehicle.

9. At said time and place, the Defendant, Koleaseco, by and through its agent and employee, committed one or more of the following acts of negligence and/or omissions which directly and proximately caused the collision to occur:

- a. The Defendant failed to keep a proper lookout for other vehicles then and there rightfully upon said roadway and particularly the vehicle of the Plaintiff;
- b. The Defendant drove his vehicle in such a manner as to cause it to strike the side of the Plaintiff's vehicle;
- c. The Defendant failed to properly apply the brakes of its vehicle;
- d. The Defendant operated its vehicle at an excessive rate of speed which was greater than was reasonable and proper having regard for the traffic then and there upon said highway;

10. As a direct and proximate result of one or more of the foregoing acts of negligence and/or omissions of the Defendant, Koleaseco, by and through its agent and employee, the Plaintiff was injured in one or more of the following ways:

- a. The Plaintiff was made sick, sore, lame, disordered and disabled and suffered extensive injuries to his head, body, and limbs, both internally and externally;
- b. The Plaintiff received injuries to his back;
- c. The Plaintiff received injuries to his rib cage;
- d. The Plaintiff received injuries to the soft tissues of the cervical and shoulder area, including the muscles, ligaments, tendons and nerves;
- e. The Plaintiff has expended money for necessary medical care, treatment and services and will be required to expend money for medical care, treatment and services in the future;
- f. The Plaintiff has suffered disability as a result of his injuries;
- g. The Plaintiff has experienced pain and suffering and will be reasonably certain to experience pain and suffering in the future as a result of the injuries; and

- h. The Plaintiff has lost money from the loss of wages and will suffer an impairment of future earning capacity.

WHEREFORE, the Plaintiff, Steve Winkeler, prays judgment against the Defendant, Koleaseco Inc., a corporation, for a fair and just award in excess of Seventy-five Thousand Dollars (\$75,000.00) plus costs of this suit.

Respectfully submitted,

/s/Thomas C. Rich

BY: RICH, RICH, & COOKSEY, P.C.

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IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

STEVE WINKELER,)
PO Box 437,)
Albers, IL 62215,)
)
Plaintiff,)
) NO:
vs.)
)
KOLEASECO LEASING, LLC, a corporation,)
4265 Corporate Exchange Drive,)
Hudsonville, MI 49426,)
)
KOLEASECO LOGISTICS, INC., a corporation,)
4265 Corporate Exchange Drive,)
Hudsonville, MI 49426,)
)
KOLEASECO INC., a corporation,)
99 Monroe Avenue Northwest, Suite 1100,)
Grand Rapids, MI 49503,)
)
Defendants.)

AFFIDAVIT

Now comes Rich, Rich & Cooksey, P.C. attorneys for the Plaintiff in the above titled action and at the time of the filing of this Petition have reasonable grounds to believe that the damages to the Plaintiff as a result of the injuries sustained herein will be in excess of Seventy-five Thousand Dollars (\$75,000.00).

12/9/16

/s/Thomas C. Rich
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Mrs. Kristina D. Cooksey #62580
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